

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Ricky Schuh,)
Plaintiff,) **ORDER ADOPTING REPORT
AND RECOMMENDATION**
vs.)
Case No. 1:24-cv-001
Doug Burgum, et al.,)
Defendants.)

The Plaintiff, a former inmate at the North Dakota State Penitentiary, initiated this *pro se* civil rights action on January 2, 2024. See Doc. Nos. 1 and 2. A complaint was filed on January 5, 2024. See Doc. No. 10. After screening the amended complaint as required by 28 U.S.C. § 1915A, Magistrate Judge Alice R. Senechal issued a Report and Recommendation on April 29, 2024, in which she recommended that the matter be dismissed. See Doc. No. 27. The Plaintiff was given until May 13, 2024, to file an objection to the Report and Recommendation. On May 13, 2024, the Plaintiff filed an objection. See Doc. No. 28.

The Court has carefully reviewed the Report and Recommendation, the relevant case law, the Plaintiff's objection, and the entire record, and finds the Report and Recommendation to be persuasive. The Court finds the Plaintiff's objection unpersuasive. The Court agrees that the Plaintiff's claims fail as a matter of law and/or fail to state a plausible claim for relief.

The Court **ADOPTS** the Report and Recommendation (Doc. Nos. 27) in its entirety and **ORDERS** as follows:

- 1) The complaint (Doc. No. 10) is **DISMISSED WITHOUT PREJUDICE**.
- 2) The motion for service of the complaint and summons (Doc. No. 26) is **DENIED**.

- 3) The Court certifies that an appeal from the dismissal of this action may not be taken in forma pauperis because such an appeal would be frivolous and cannot be taken in good faith.
- 4) The Plaintiff is assessed a strike for PLRA purposes under 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Dated this 30th day of May, 2024.

/s/ *Daniel L. Hovland*
Daniel L. Hovland, District Judge
United States District Court